HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 552 OF 1993.

Maruti Yellappa Jarali & Ors. ..Petitioners.

Versus.

Jivappa Rama Manwadkar & Ors. ..Respondents.

Shri. S. V. Sadavarte for the Petitioner No.1.

CORAM: D.B.BHOSALE, J.

DATE : NOVEMBER 28, 2005.

P.C.

1. Heard learned counsel.

2. This Court while admitting the writ petition on February 22, 1993 had passed following order :

> "1. The trial Court passed an order on October 20, 1992 under which certain persons were authorised to withdraw the amount and a Commissioner was appointed by the Co-operative Court to supervise the work of disbursement of money. This was an ad-interim order pending the application for interim relief in a dispute filed by respondents no. 1 & 2 being Case No. 438 of 1992.
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> 2. The respondents, however, initiated another dispute No. 518 of 1992 and against the order of issuing a show-cause notice which was passed on 27th November, 1992, approached the Co-operative Appellate

Court on 28th November, 1992. In this appeal, the appellate Court has passed order on 29th January, 1993 allowing the appeal and directing the parties to maintain the status-quo. Mr. Dalvi for the petitioner points out that respondents no.1 and 2 have, in the meanwhile, withdrawn Rs.75,000/- from the society's account with the Kolhapur District Central Co-operative Bank Ltd.

3. It is not necessary for me to express any opinion on the merits of the contentions at this stage. Suffice it to say that the applications for interim relief in both these disputes, according to the learned counsel appearing before me, are to be heard before the end of this month. Since the applications for interim relief in disputes no. 438 of 1992 and 518 of 1992 are to be heard before the end of this month, I think that the interests of justice would require that the order passed by the trial Court on 20th October, 1992 in dispute case No. 438 of 1992 should continue to operate in the meanwhile in both the cases.

. Hence, Rule. Interim stay in terms of prayer (d). It is, however, made clear that the order dated October 20, 1992 in dispute case No. 438 of 1992 will govern relations between the parties till the hearing and disposal of the applications for interim relief in both cases No. 438 of 1992 and 518 of 1992.

. Liberty to the parties to apply.

3. The operative part of the order impugned in the writ petition reads as under:

"1. The Appeal is disposed off with a direction to the trial Court to decide the

interim application by giving opportunity to both the sides, on or before 28th February, 1993.

2. Parties to appear before the trial Court on 3.2.93.

3. In the meantime, the parties to the appeal maintain the status quo.

4. Parties to the appeal to bear their costs.

4. Looking to the nature of the order impugned and the interim order passed by this Court on 22nd February 1993, the dispute case Nos. 438 and 518 of 1992 must have been disposed of and even if they are still pending, in my opinion, the interests of justice will be met by the following order.

: O R D E R. :

(1) The trial court shall dispose of the dispute bearing No. 518 of 1992 and 438 of 1992, if not already disposed of, as expeditiously as possible, preferably within six months from the date of receipt of copy of this order.

(2) Interim order passed by this court

vide the aforesaid order dated 22nd February, 1993, shall remain operative either till the hearing and disposal of the application for interim relief as directed in the said order or till the disposal of both the disputes, whichever is earlier. If the applications for interim reliefs in both the disputes were disposed of already, instant order shall not operate at all.

(3) The trial Court shall dispose of the disputes and the applications for interim relief, if not disposed of already, on merits in accordance with law and uninfluenced by the observations made in the instant proceedings.

(4) Writ Petition accordingly stands disposed of.

(D.B.BHOSALE,J.)